

Docket No.:

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled **NON-VOLATILE MEMORY AND FABRICATION METHOD THEREOF** the specification of which

☒ is attached hereto.

☐ was filed on
and was amended on

as Application Serial No.
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications(s):

| Number | Country | Day/Month/Year filed | Priority Claimed |
|-------------|---------|----------------------|-------------------------------------|
| 2002-202487 | Japan | 11/07/2002 | <input checked="" type="checkbox"/> |
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s):

| Application Number | Filing Date |
|--------------------|-------------|
|--------------------|-------------|

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

| Serial No. | Filing Date | Status: Patented, Pending, Abandoned |
|----------------|-------------|--------------------------------------|
| PCT/JP03/08349 | 01/07/2003 | Pending |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Stephen A. Becker, Reg. No. 26,527; John G. Bisbikis, Reg. No. 37,095; Christopher D. Bright, Reg. No. 46,578; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Jennifer Chen, Reg. No. 42,404; Bernard P. Codd, Reg. No. 46,429; Lawrence T. Cullen, Reg. No. 44,489; Paul Devinsky, Reg. No. 28,553; Margaret M. Duncan, Reg. No. 30,879; Shamita De. Etienne-Cummings, Reg. No. 46,072; Ramyar M. Farid, Reg. No. 46,692; Brian E. Ferguson, Reg. No. 36,801; Michael E. Fogarty, Reg. No. 36,139; John R. Fuisz, Reg. No. 37,327; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; Matthew V. Grumbling, Reg. No. 44,427; John A. Hankins, Reg. No. 32,029; Eric J. Kraus, Reg. No. 36,190; Catherine Krupka, Reg. No. 46,227; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Burman Y. Mathis III, Reg. No. 44,907; Michael A. Messina, Reg. No. 33,424; Dawn L. Palmer, Reg. No. 41,238; Joseph H. Paquin, Jr., Reg. No. 31,647; Scott D. Paul, Reg. No. 42,984; William D. Pegg, Reg. No. 42,988; Robert L. Price, Reg. No. 22,685; Gene Z. Robinson, Reg. No. 33,351; Mahshid D. Saadat; Reg. No. P-48,218; Joy Ann G. Serauskas, Reg. No. 27,952; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Wesley Strickland, Reg. No. 44,363; Michael D. Switzer, Reg. No. 39,552; Daniel S. Trainor, Reg. No. 43,959; Kelli N. Watson, Reg. No. 47,170; Cameron K. Weiffenbach, Reg. No. 44,488; Aaron Weisstuch, Reg. No. 41,557; Edward J. Wise, Reg. No. 34,523; Jeffrey A. Woller, Reg. No. 48,041; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976 all of

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

Direct Telephone Calls to: Telephone 202-756-8000

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of sole or first inventor: MORIMOTO Kiyoshi

Inventor's signature: *Kiyoshi Morimoto*

Date: November 4, 2003

Residence: Hirakata-shi, Osaka 573-0083, Japan

Citizenship: Japan

Post Office Address: 61-22, Nasuzukurikitamachi, Hirakata-shi, Osaka 573-0083, Japan

Full name of second inventor: TANAKA Hideyuki

Inventor's signature: *Hideyuki Tanaka*

Date: November 4, 2003

Residence: Hirakata-shi, Osaka 573-0027, Japan

Citizenship: Japan

Post Office Address: 3-9-12-401, Ogaito-cho, Hirakata-shi, Osaka 573-0027, Japan

Full name of third inventor: OHTSUKA Takashi

Inventor's signature:

Takashi Ohtsuka

Date: November 4, 2003

Residence: Toyonaka-shi, Osaka 560-0013, Japan

Citizenship: Japan

Post Office Address: 7-2, Uenohigashi 2-chome, Toyonaka-shi, Osaka 560-0013, Japan

Full name of fourth inventor: MIYAMOTO Akihito

Inventor's signature:

Akihito Miyamoto

Date: November 4, 2003

Residence: Hirakata-shi, Osaka 573-1106, Japan

Citizenship: Japan

Post Office Address: 1-9-14-301, Machikuzuha, Hirakata-shi, Osaka 573-1106, Japan

Full name of fifth inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Full name of sixth inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Full name of seventh inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below:

That I am knowledgeable in the English language and in the language in which the below identified international application was filed, and that I believe the English translation of the international application No. PCT/JP03/08349 is a true and complete translation of the above identified international application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

November 4, 2003

Full name of the translator

Tomoko MAEDA

Signature of the translator



Post Office Address

Kitahama TNK Building 7-1, Dosho-machi

1-chome, Chuo-ku, Osaka-shi, Osaka 541-0045,

Japan